

Judge Mathias, cont.

topics to attorneys and judges. Throughout the 2000s, he helped select and implement the Odyssey Case Management System that brought the management of Indiana's court records into the 21st Century. More recently, Judge Mathias has been appointed by the Indiana Supreme Court to lead a statewide court technology effort, including implementation of e-filing.

Judge Mathias is a longtime supporter of *We the People*, a national civics education program sponsored in Indiana by the Indiana Bar Foundation. He coaches high school *We the People* teams in Indiana's 5th Congressional District and helps organize *We the People* competitions in the 3rd Congressional District.

In 2010, he received the Indiana Bar Foundation's William G. Baker Civic Education Award for his work in civics education.

Judge Mathias has been married for 39 years and is the proud father of two sons who teach at the high school level. His wife, Carlabeth, is a

private practice counselor for children and families and a consultant to schools throughout Indiana.

Judge Mathias enjoys Macintosh computers, technology in general and photography. He also enjoys spending many Saturdays during the school year helping to build theatrical sets for Hamilton Southeastern High School.

Judge Altice, cont.

sion of the Marion Superior Court in 2013 and was appointed chair of the Marion Court Civil Term in January 2015.

Throughout his judicial career, Judge Altice has held leadership roles in organizations that improve the administration of justice. He accepted special assignments from the Indiana Supreme Court on the Judicial Performance Task Force and the Cameras in the Courtroom project, which allowed cameras in certain courtrooms under limited conditions. During Judge Altice's tenure on the Marion County Community Corrections Advisory

Board, the Duval Work Release Center in Marion County was built and opened.

Judge Altice is a member of the Indiana Judges Association, the Indiana State Bar Association, and the Indianapolis Bar Association. In April 2015, Judge Altice was appointed to serve on an ad hoc Indiana Tax Court Advisory Task Force.

His community activities include prior service on the Board of Directors of these organizations: Indianapolis Police Athletic League; the Martin Luther King Community Development Corp.; and Coburn Place Safe Haven, a transitional housing facility for domestic abuse victims.

He has presented on legal and ethical issues for the Indiana Continuing Legal Education Forum, the Indiana Judicial Center, and various Indiana bar associations. In his spare time, he enjoys gardening, golf and reading.

He and his wife, Kris, who is also an attorney, have two adult children.

SYNOPSIS

At 10:15 p.m. on Oct. 1, 2014, Deputy Samuel Chandler ("Deputy Chandler") pulled Weaver over on highway U.S. 40 because Weaver had an inoperable plate light. Weaver pulled over into a McDonald's parking lot where Deputy Chandler approached him.

Deputy Chandler first asked Weaver if he knew that his plate light did not work. The record does not provide Weaver's response. He then asked if Weaver had his license and registration. Weaver said he did not know. Deputy Chandler asked, "You know what it looks like?" Weaver replied, "[y]eah."

Deputy Chandler then verified that the vehicle's registration was in Weaver's name and asked for his license.

Weaver indicated that he previously had an Indiana license, but that he did not have it or any other form of identification with him. Weaver told Deputy Chandler that he was not aware that he was required to carry identification while driving.

After failing to produce any identification, the following conversation ensued:

Deputy Chandler: Okay, where do you live at, bud?

Corey Weaver: Uh, Indianapolis.

Deputy Chandler: You live in Indy — what's your actual physical mailing address?

Corey Weaver: Uh, am I being charged with something?

Deputy Chandler: No, I'm trying to figure out who you are. You don't have any identification.

This was the only time that Deputy Chandler specifically asked for Weaver's address.

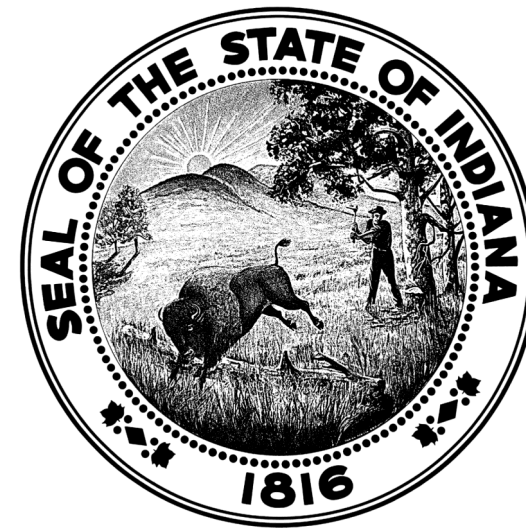
After this exchange, Deputy Chandler proceeded to ask Weaver his name. Weaver stated that his name was "Mr. Weaver." After Deputy Chandler asked for his first name, Weaver stated that he did not have a particular name. Deputy Chandler asked the same question many ways. ("What are they calling you? . . . [D]oes your mom call you Mr. Weaver?").

Eventually, Weaver stated that his mother calls him Corey.

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Court of Appeals of Indiana

*Hearing oral argument at
Cathedral High School, Indianapolis
Friday, March 11, 2016 @ 1:15 p.m.*



Weaver v. State

32A04-1508-CR-1110

*On Appeal from Hendricks Superior Court
The Honorable Rhett M. Stuard, Judge*

Indiana Bicentennial 1816-2016

A little bit of Court history

The Court of Appeals of Indiana is the state's second-highest Court. It hears appeals from Indiana trial courts, including small claims courts, and from some state administrative agencies.

The Court's 15 members hear cases in three-judge panels that rotate three times per year. Cases are never assigned to a single judge, and all cases are randomly assigned.

While the Supreme Court of Indiana dates from the State's first Constitution adopted in 1816, the concept of a second appellate-level court to serve the entire State originated with an enactment of the General Assembly in 1891. The Appellate Court of Indiana was created to relieve the growing caseload of the Supreme Court.

The legislators foresaw it as a judicial panel to exist for six years. In 1897, the Court was retained for an additional four years and in 1901 was re-created as the permanent Appellate Court. It evolved into an eight-member court that sat in panels of four judges.

The Appellate Court was abolished and today's Court of Appeals was created as a Constitutional Court by an amendment to the Indiana Constitution that was ratified on Nov. 3, 1970. The court then came into existence on Jan. 1, 1972.

Attorneys for the Parties

For the Appellant

Lisa D. Manning grew up in Indianapolis and graduated from Pike High School. In 2000, she graduated from Indiana University with a Bachelor of Arts in Criminal Justice. Lisa continued her Indiana University education when she attended law school at the Robert H. McKinney School of Law in Indianapolis. She graduated *cum laude* in 2003.

After law school, Lisa began working at the Hendricks County Prosecutor's Office in Danville, IN. After four years as a deputy prosecutor, she took a new position on the Indiana Prosecuting Attorneys Council. After two years, she opened the Manning Law Office with her husband Michael (now a magistrate in Hendricks County) and continues to work in private practice. Lisa works primarily in criminal trial law, but she also serves as a guardian ad litem for children. She has been court appointed to represent convicted defendants on criminal appeals since 2007.

For the Appellee

Paula J. "Jennie" Beller joined the Office of the Indiana Attorney General in December 2006 as a Deputy Attorney General in the Licensing Enforcement and Homeowner Protection Unit. She was promoted in 2011 to Assistant Deputy Director and in 2013 to Supervising Deputy Attorney General of the unit. Beller transferred to the Criminal Appeals Division of the OAG in August 2015.

Beller received her J.D. from Indiana University-McKinney School of Law in 2006. She also has a B.A. in Spanish and an M.A. in Philanthropic Studies. The practice of law is her second career. Prior to joining the OAG, Beller was a Planned Giving Representative for The Salvation Army, Indiana Division from 1998-2005.

Beller was recently named a 2016 Elizabeth Dole Foundation Caregiver Fellow. The foundation raises awareness and advocates on behalf of military and veteran caregivers. Since 2011, Beller has been the primary caregiver for her husband, Chuck, a Vietnam veteran who suffered a massive stroke.

Beller is a native of Indianapolis.

Synopsis, cont.

Weaver also did not provide his birthday when Deputy Chandler initially asked. Weaver stated that he was “a little uncomfortable” providing his birthday.

Next, Deputy Chandler ordered Weaver to put his hands on the back of his head and step out of the vehicle. Deputy Chandler said he was detaining Weaver until he could identify him.

Deputy Chandler told Weaver several times that he was legally required to provide identification and warned him that he would have to go to jail if he failed to comply.

After several minutes, Weaver provided his birthday. Without returning to the issue of what Weaver’s address was, Weaver was cited for the license plate light violation, a Class C infraction, and allowed to leave the traffic stop.

Two days later, on Oct. 3, 2014, Weaver was charged with Class C misdemeanor failure to identify pursuant to Indiana Code section 34-28-5-3.5. That statute provides that:

A person who knowingly or intentionally refuses to provide either the person's:

(1) name, address, and date of birth; or

(2) driver's license, if in the person's possession;

to a law enforcement officer who has stopped the person for an infraction or ordinance violation commits a Class C misdemeanor.

A bench trial was held on March 31, 2015 and was continued on July 10, 2015. Weaver was convicted as charged and was ordered to pay a \$100 fine.

Weaver now appeals, claiming that the State produced insufficient evidence to convict him. Weaver argues that the failure to identify statute does not impose any time limitation.

In response, the State argues that Weaver failed to provide the requested identifying information within a reasonable period of time, and therefore, the evidence was sufficient to support his conviction.



Indiana's first capitol still stands in Corydon

Indiana doesn't have a lot of 200-year-old buildings, but Hoosiers are fortunate that the first state capitol is one of them.

The simple limestone structure, completed in 1816, stands as the heart of the Corydon Historic District in Harrison County, as listed on the National Register of Historic Places.

Corydon served as the seat of Harrison County government, as territorial capital of the Indiana Territory, and as Indiana's first state capital, from 1816-1825.

Those successive roles followed European settlement of the Northwest Territory, from which the Indiana Territory was carved in 1800.

The capitol building was under construction as the territory prepared for statehood. Among other things, that process involved a formal petition to Con-

gress, adoption of a state constitution, and a minimum population of 60,000.

Territorial delegates crafted Indiana's

first Constitution on the site in June 1816, and the first General Assembly convened in the Federal-style building in November 1816. Congress approved Indiana's status as the 19th state on Dec. 11, 1816.

Corydon wasn't new to capital status, having succeeded Vincennes as the territorial capital in 1813. Nor was its status long to last, as the capital was relocated to the

more geographically central Indianapolis in 1825, reflecting the population's expansion into lands taken by treaty and arms from Native Americans.

But the capitol building remains as a historic site and museum, and Corydon remains the county seat of Harrison County.



What happens after an oral argument?

After oral argument, the judges confer to decide the outcome. One, called the writing judge, drafts an opinion for the others' review. Final language may involve several drafts and significant collaboration among the judges.

Generally, opinions will affirm or reverse lower court rulings in whole. But some affirm in part, some reverse in part, and some do both. Not infrequently, the opinion instructs the trial court about the next appropriate course of action.

Many opinions are unanimous, although non-unanimous decisions (2-1) are not uncommon. Dissenting judges usually express their views in a separate opinion that becomes part of the permanent record of the case. (Historically, the ideas contained in dissents have sometimes been adopted as the law of the land – over time – on a particular issue.)

Judges sometimes write separate, concurring opinions that emphasize different points of law or facts than the main opinion.

No rules or laws govern how fast the Court of Appeals must issue an opinion. But the court strives to decide cases within four months of receiving all briefs, transcripts and other records.

Once issued, all opinions are published on www.courts.in.gov and maintained in the permanent records of the Clerk of Appellate Courts.

Parties can appeal decisions of the Court of Appeals to the Indiana Supreme Court by filing a petition to transfer within a prescribed number of days. But transfer is not automatic; the Supreme Court can grant or deny transfer with or without giving a reason.

Today's Panel of Judges



**The Honorable
Paul D. Mathias**

Allen County

Paul D. Mathias is a fifth-generation Hoosier who deeply believes that Indiana is a special place to live. He is honored to serve on the Court of Appeals, where he strives daily to reflect and protect Hoosier values within the law.

Judge Mathias practiced law in Fort Wayne, concentrating in construction law, personal injury, and appellate practice. He was appointed Referee of the Allen County Small Claims Court in 1985 and served as Judge of the Allen Superior Court from 1989-2000 when he was appointed to the Court of Appeals. In 2002 and 2012, he was retained by election to the court.

Judge Mathias's professional achievements are rooted in a strong educational foundation. He attended the public schools in Fort Wayne, where he was a National Merit Finalist and scholarship recipient. In 1976 Judge Mathias graduated *cum laude* from Harvard University with a bachelor's degree in General Studies, concentrating in Government. He earned his law degree in 1979 from Indiana University School of Law-Bloomington, where he was a member of the Sherman Minton Moot Court Team and the *Order of Barristers*.

Judge Mathias was an officer of the Indiana Judges Association from 1993-1999 and its president from 1997-1999. He is deeply honored to be one of only 92 Hoosiers to receive the Centennial Service Award from the Indiana State Bar Association, and he was named a Sagamore of the Wabash by two governors.

Judge Mathias is keenly interested in the intersection of law and technology and often consults and speaks on tech

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**The Honorable
James S. Kirsch**

Marion County

James S. Kirsch was appointed to the Court of Appeals in 1994, was retained by election in 1996 and 2006 and served as Chief Judge from 2004-2007. He also has served as a state trial court judge and has extensive national and international teaching experience.

A native of Indianapolis, Judge Kirsch graduated from Indiana University School of Law-Indianapolis (J.D., cum laude) and Butler University (B.A. with honors).

He served as Judge of the Marion Superior Court from 1988 to 1994 and as Presiding Judge of the Court in 1992. From 1974-1988, he practiced law with the firm of Kroger, Gardis & Regas in the areas of commercial and business litigation and served as managing partner of the firm.

Since 1990, Judge Kirsch has held an appointment as Visiting Professor of Law and Management at the Krannert Graduate School of Management at Purdue University. He has taught law in 21 countries on four continents and currently holds university-level faculty appointments in Germany, Hungary and the Netherlands.

Judge Kirsch is also committed to continuing legal education and has served on the faculty of more than 200 CLE programs. In 1990, the Indianapolis Bar Association presented him with its highest award, the Honorable Paul H. Buchanan Award of Excellence.

Judge Kirsch also has deep ties to the Indiana State Bar Foundation, the Indianapolis Bar Association and Bar Foundation and to community organizations that include the United Way of Central Indiana, the Indianapolis Urban League, the Legal Aid Society of Indianapolis and the Stanley K. Lacey Leadership Foundation.

Judge Kirsch and his wife, Jan, have two children.



**The Honorable
Robert R. Altice, Jr.**

Marion County

Robert R. Altice, Jr., was appointed to the Court of Appeals by Gov. Mike Pence and began his service on Sept. 2, 2015.

Judge Altice earned his undergraduate degree from Miami University, Oxford, OH, a master's degree in criminal justice administration from the University of Central Missouri, and his law degree from the University of Missouri-Kansas City School of Law.

He began his legal career as a deputy prosecutor in Jackson County, MO, before being promoted to Chief Deputy Prosecutor for the Drug Unit. He then practiced with a Kansas City civil law firm, and after moving to Indianapolis, joined the law firm of Wooden McLaughlin & Sterner, concentrating on insurance defense.

Judge Altice returned to prosecution in 1994, handling a major felony caseload as a deputy prosecutor for the Marion County Prosecutor's Office. He served as Chief of the Felony Division from 1997-2000, trying more than 100 major felony jury trials, including 25 murder cases and countless bench trials. Judge Altice was elected to the Marion County bench in 2000 and presided over both criminal and civil dockets. As judge of Marion Superior Court, Criminal Division 2 from 2001-2012, he presided at 250 major felony jury trials, including 75 murder trials (seven death penalty trials).

Judge Altice served as chair of the Marion Superior Court Criminal Term from 2005-2007, as a member of the Executive Committee for the Marion Superior Court from 2007-2009, and as Presiding Judge of the Marion Superior Court from 2009 to 2011. He also hosted a public affairs show on government-access TV, titled “Off the Bench.”

Judge Altice moved to the civil divi-

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